

Sheehan & Associates, P.C.

505 Northern Boulevard, Suite 311, Great Neck, NY 11021  
tel. 516.303.0552  
fax 516.234.7800  
spencer@spencersheehan.com

June 13, 2019

Magistrate Judge Ramon E. Reyes, Jr.  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: 1:19-cv-02249-ER K-RER  
Harris v. Mondelez Global LLC

Dear Magistrate Judge Reyes:

This office represents the plaintiff in the above action. In accordance with the Individual Motion Practices of Senior District Judge Edward R. Korman and your Honor's Motion and Individual Practice Rules, the present non-dispositive motion requesting amendment to the pleadings is made to your Honor. *See* Individual Motion Practices of Senior District Judge Korman (“**NOTE**: All non-dispositive motions (discovery, amendments to the pleadings, etc.) are referred to the Magistrate Judge assigned to the case.”).

The present action was filed and sought relief on behalf of a nationwide class with a New York plaintiff. April 17, 2019. ECF No. 1. The original compliance date by which service will be proved to the Court is Wednesday, July 17, 2019. Fed. R. Civ. P. 4(m) (allowing 90 days for defendant to be served); Fed. R. Civ. P. 6(a)(1)(A)-(B) (excluding the date triggering the period and counting intermediate weekends).

Plaintiff requests leave of court to amend the complaint pursuant to Fed. R. Civ. P. 15(a)(2) (“Other Amendments.”). Plaintiff is not seeking amendment as a matter of course because (1) service of process has not been effected and (2) no responsive pleading to the complaint has been served. Fed. R. Civ. P. 15(a)(1)(A)-(B).

The differences between the proposed amended complaint and the original complaint will be (1) the addition of plaintiffs from other states to represent state sub-classes in addition to New York and (2) removal and correction of formatting and typographical inconsistencies which may be present in the original complaint. No causes of action will be added.

Should the Court grant plaintiff leave to amend the complaint, plaintiff will promptly file and serve the first amended complaint and prove service within the time permitted by the Federal Rules. Thank you.

Respectfully submitted,

/s/ Spencer Sheehan  
Spencer Sheehan

Certificate of Service

I certify that on June 13, 2019, I served the foregoing by the method below to the persons or entities indicated, at their last known address of record (blank where not applicable).

	CM/ECF	First-Class Mail	Email
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

/s/ Spencer Sheehan  
Spencer Sheehan